

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

FRANK EARL MARTINEZ,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-12-398-M
	)	
JUSTIN JONES,	)	
	)	
Respondent.	)	

**ORDER**

On August 23, 2013, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommended that petitioner's petition be denied. The parties were advised of their right to object to the Report and Recommendation by September 9, 2013. Petitioner's objection was filed on September 17, 2013.

Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on August 23, 2013;
- (2) DENIES petitioner's petition for writ of habeas corpus [docket no. 1]; and
- (3) ORDERS that judgment in favor of respondent issue forthwith.

**IT IS SO ORDERED this 4th day of October, 2013.**

  
VICKI MILES-LaGRANGE  
CHIEF UNITED STATES DISTRICT JUDGE